

REMARKS

This is a Response filed to the Office Action mailed on November 25, 2008 in the above-referenced patent application as part of a submission under 37 CFR 1.114, Request for continued examination . By this Response, we have amended claims 1, 9 and 10 without prejudice or disclaimer. Claims 1-5 and 7-20 (3 independent claims and sixteen dependent claims) remain pending after entry of the amendments. Support for the claims may be found in the Specification as originally filed, for example at paragraphs 0021 through 0027.

Prior Art Rejections

The Office Action requests clarification of the differences between our claimed invention and the combined teachings of US Patent 3,016,261 (“Tatters”); US Patent 5,775,028 (“Lambert”); US Patent 3,782,036 (“Clark”); and UK Patent Application GB2,080,407 (“Wheatley”). None of these patents teach a hinge device as claimed, either separately or in combination.

Specifically none teach a hinge device with “a coupling mechanism module separate from the housing module comprising: an elongated support having longitudinal ends; two pulleys rotatably held at the longitudinal ends of the elongated support; and a pulley belt coupled to the two pulleys”. Tatters, the primary reference, has a housing module that is an integral part with the coupling mechanism, and which therefore could not be a coupling mechanism module with an elongated support as a separate element from the housing module as required by the amended claims. The Office Action does not describe the other references as having this feature, as the other references do not in fact describe this feature. Claim 1 further clarifies the separate elements of the housing module and the coupling module requiring that the housing module with the rotatable shaft sections includes structural support configured to support a

vehicle door separate from the coupling module during a painting process. None of the cited references alone or in combination disclose support in a separate housing module that is capable of supporting a vehicle door separate from a coupling mechanism.

In regard to claims 7 and 8, the office action cites a holding from legal precedent that does not apply in this case. The MPEP states that rationale from legal precedent may only be used if the facts are sufficiently similar to the prior case. See MPEP 2144. The office action cites MPEP 2144.04 for the proposition that “constructing a formerly integral structure in various elements involves only routine skill in the art.” MPEP 2144.04 cites *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable.). The specific facts of *In re Dulberg* are not sufficiently similar to the present office action because unlike *In re Dulberg*, there are significant structural differences between the prior art (such as Tatters) and the independent pending claims 1, 9 and 10. The pending claims require a coupling mechanism module comprising an elongated support structure having longitudinal ends as well as other structural differences from the prior art.

Further, producing the hinge in two separate modules is non-obvious because this feature provides unexpected results, as discussed in the specification. Specifically, as discussed in paragraph 0003, by producing the hinge in two separate parts, a pantographic hinge can be connected to the door of a vehicle and to the body of a vehicle, and the door can be painted at the same time as the body of the vehicle without damaging the parts of the pantographic hinge.

Applicant objects to the official notice related to claims 14 and 20. Specifically, official notice is traversed as not appropriate in the Final Office Action. See MPEP 2144.03.

Further, MPEP 2144.03 states:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

Applicant traverses the official notice that “that it is old and well known to use slotted members on gears to engage a shaft and cause them to turn together (such as with a keyed shaft and gear)” as this assertion does not rise to the level of being capable of instant and unquestionable demonstration as being well known.

Applicant objects to the official notice related to claim 20 “that it is old and well known to use having supports for screws to mount the coupling mechanism module, and wherein the rear support panel has openings for the screws to mount the coupling mechanism module to the housing module.” Specifically, the applicant traverses that the coupling mechanism, the rear support panel and the housing are old and well known in the art. Further the applicant traverses that the manner of connecting the coupling mechanism, the rear support panel and the housing are old and well known in the art, as the elements themselves are not admitted to be old and well known in the art. As with the prior official notice, this official notice does not rise to the level of being capable of instant and unquestionable demonstration as being well known.

Applicant respectfully request that the official notices from the Final Office Action dated Nov. 25, 2008 be withdrawn. In the alternative, we request that the examiner provide an express basis for the assertion on the record, such as an express citation to a particular reference.

As a result, the claimed invention is not obvious, and no single reference, nor any combination of references, is able to disclose each and every element of our independent claims 1, 9 and 10. The various dependent claims contain additional patentable features, but a discussion of these is cumulative to the analysis provided above and therefore unnecessary at this time. Nevertheless, we reserve the right to independently assert the patentability of any feature of any claim at a later date, including in an appeal.

Conclusion

In view of Applicant's amendments and remarks, it is respectfully submitted that the Examiner's rejections have been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at the below-listed telephone number.

No extension fee is believed to be due in connection with this Response. If, however, any time extension fee is required to consider this response or otherwise prevent abandonment

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of this application, please consider this as a request for an extension of time and as authorization to charge Deposit Account No. 50-2091 for any fee that may be due.

Respectfully submitted,

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